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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,214	02/09/2004	David Weck	609-019	6744

22429 7590 03/06/2006

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EXAMINER

NGUYEN, JOHN QUOC

ART UNIT PAPER NUMBER

3654

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/773,214

Applicant(s)

WECK ET AL.

Examiner

John Q. Nguyen

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 11, 21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lin (US-6883537).

Claims 2-5, 12-15, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US-6883537) in view of Pitcher (US-3227386).

Pitcher discloses another roll holder having rods 13 as claimed including an angled second portion 14. The angled portion appears to be about 30 degrees. It would have been obvious to a person having ordinary skill in the art to alternatively provide the holder portion of Lin with a holder portion comprising of rods as taught by Pitcher to reduce material requirements and thus weight and costs.

Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Pitcher as applied to claims 2-5, 12-15, 22-25 above, and further in view of Uitendaal (US-1871483).

Uitendaal discloses a roll of flexible wound material 5 anchored by a spike. It would have been obvious to a person having ordinary skill in the art to alternatively provide the apparatus of Lin modified as above with a spike to anchor/support the hose.

Claims 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US-6883537) in view of Uitendaal (US-1871483).

Uitendaal discloses a roll of flexible wound material 5 anchored by a spike. It would have been obvious to a person having ordinary skill in the art to alternatively provide the apparatus of Lin with a spike to anchor/support the hose.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Pitcher and Uitendaal as applied to claim 6 above, and further in view of Gorham (US-3952878) and Stillman, jr. (US-3727357).

Gorham and Stillman, Jr. disclose various spike designs. Gorham teaches a spike with a tongue S and base P. Stillman discloses w-shaped "base" 13 and 14 (see fig. 5). In view of the prior art as a whole, it would have been obvious to a person having ordinary skill in the art to provide the spike of Lin modified as above as one taught by Gorham and with a base as taught by Stillman, Jr. to increase the surface area to increase stability. That the spike is secured to a wall would have been obvious to a person having ordinary skill in the art to support the apparatus since it is an obvious expedient to secure a device to a wall for stability. The spacing of claim 10 would have been obvious to a person having ordinary skill in the art to provide for sufficient spacing to support the hose for the apparatus to be functional.

Claims 17-20, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Uitendaal as applied to claim 16 and 26 above, and further in view of Gorham (US-3952878) and Stillman, jr. (US-3727357).

Gorham and Stillman, Jr. disclose various spike designs. Gorham teaches a spike with a tongue S and base P. Stillman discloses w-shaped "base" 13 and 14 (see fig. 5). In view of the prior art as a whole, it would have been obvious to a person having ordinary skill in the art to provide the spike of Lin modified as above as one taught by Gorham and with a base as taught by Stillman, Jr. to increase the surface area to increase stability. That the spike is secured to a wall would have been obvious to a person having ordinary skill in the art to support the apparatus since it is an obvious expedient to secure a device to a wall for stability. The spacing of claims 20 and 30 would have been obvious to a person having ordinary skill in the art to provide for sufficient spacing to support the hose for the apparatus to be functional.

Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments filed 1/24/06 have been fully considered but they are not persuasive. The Declaration has been considered but is not deemed persuasive because it is not known why it was not executed by the inventor himself and how the structures/devices in Mr. Lowe's office correspond to the claimed invention and where they originated.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

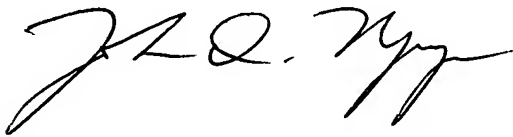
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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "J. Q. Nguyen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Q. Nguyen  
Primary Examiner  
Art Unit 3654